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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

In re QUENTIN H., a Person Coming
Under the Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

QUENTIN H.,

Defendant and Appellant.

D070531

(Super. Ct. No. J238043)

APPEAL from an order of the Superior Court of San Diego County, Browder A.

Willis III, Judge. Affirmed.

Arielle Bases, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Quentin H. (the Minor) was charged in a petition filed in the juvenile court with one count of possession of a stabbing instrument at school. (Pen. Code,¹ § 626.10,

¹ All further statutory references are to the Penal Code unless otherwise specified.

subd. (a)(1)). The Minor filed a motion to suppress the knife, which was denied.

Thereafter the Minor admitted the charged offense. He was placed on probation.

The Minor filed a timely notice of appeal.

Appellate counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). Counsel indicates she has been unable to identify any arguable issue for reversal on appeal. Counsel asks this court to review the record for error as mandated by *Wende*. We offered the Minor an opportunity to file his own brief on appeal, but he has not responded.

STATEMENT OF FACTS

The facts recited here relate to the motion to suppress evidence on Fourth Amendment grounds. We accept the factual statement in the appellant's brief as an accurate summary of the evidence produced at the suppression hearing. We incorporate that statement here.

On December 16, 2015, a random dog sniffing search occurred in a classroom at Valhalla High School. All of the students left the classroom, and a trained dog sniffed the backpacks and alerted the dog trainer as to a backpack. The students returned to the classroom and the assistant principal held up the "alerted backpack." The Minor identified the backpack as his and went with the assistant principal, the dog trainer, and a law enforcement officer to the assistant principal's office.

There, the dog trainer explained what the dog is trained to notice, contraband and gun powder, and the Minor said his backpack might have been around marijuana. The trainer asked the Minor if she could look inside the backpack. The Minor agreed to let

her look inside. In a pocket of the backpack, a locking blade knife was found, as well as tagging and permanent markers.

The Minor was arrested and brought to the police station where he was read his *Miranda*² rights. The Minor then stated that he had the knife the night before, put it in his jacket pocket, realized the knife was in his jacket, and put the knife in his backpack. The Minor also stated that the knife was not his, and he put it in his backpack so he would not get in trouble. Finally, the Minor stated that he did not plan to hurt anyone with the knife.

DISCUSSION

As we have noted above, appellate counsel has not identified any arguable issue for reversal on appeal. In compliance with *Anders v. California* (1967) 386 U.S. 738 (*Anders*), counsel has identified the following possible issues to assist this court in our review of the record for error:

1. Whether the juvenile court properly balanced the Minor's Fourth Amendment interests against the governmental interest in protecting students at school.
2. Whether the juvenile court erred in finding the dog sniff did not constitute an actual search.
3. Whether the dog alert on the Minor's backpack created probable cause.
4. Whether the Minor was in custody when he allegedly consented to the search of his backpack.
5. Whether the Minor voluntarily consented to the search of his backpack.

² *Miranda v. Arizona* (1966) 384 U.S. 436.

6. Whether the Minor should have been given *Miranda* warnings before he was questioned about the backpack by the assistant principal.

7. Whether the trial court imposed invalid probation terms.

We have reviewed the entire record pursuant to *Wende, supra*, 25 Cal.3d 436 and *Anders, supra*, 386 U.S. 738 and have not discovered any arguable issue for reversal on appeal. Competent counsel has represented the Minor on this appeal.

DISPOSITION

The order of the juvenile court is affirmed.

HUFFMAN, Acting P. J.

WE CONCUR:

HALLER, J.

PRAGER, J.*

* Judge of the San Diego Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.